

ESTTA Tracking number: **ESTTA706998**

Filing date: **11/05/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91223528
Party	Defendant Multisorb Technologies, Inc.
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Signature	/Rhett Barney/
Date	11/05/2015
Attachments	1F78564.PDF(120686 bytes)

Registration Subject to the filing

Registration No	1369682	Registration date	11/12/1985
Registrant	CLARIANT CORPORATION 1600 WEST HILL STREET LOUISVILLE, KY 40210 UNITED STATES		
Grounds for filing	The registered mark has been abandoned.		

Goods/Services Subject to the filing

Class 001. First Use: 1983/12/13 First Use In Commerce: 1983/12/13
All goods and services in the class are requested, namely: PREPACKAGED DESICCANTS FOR USE IN CLOSED PACKAGES FOR MACHINE PARTS, ELECTRONICCOMPONENTS, SURGICAL INSTRUMENTS AND SUPPLIES, TOOLS, PHARMACEUTICALS, FOOD ANDFILM

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

CLARIANT CORPORATION,

Opposer,

v.

MULTISORB TECHNOLOGIES, INC.,
Applicant.

Opposition No. 91223528
Application No. 86/569,259

Mark: DESIPAX

APPLICANT’S ANSWER TO OPPOSER’S NOTICE OF OPPOSITION

Applicant Multisorb Technologies, Inc. (“Applicant” or “Multisorb”) submits its answer to Opposer Clariant Corporation’s (“Opposer”) Notice of Opposition (“Opposition”) against Applicant’s Trademark Application Serial No. 86/569,259 for the mark DESIPAX and specifically admits, denies, and alleges as follows:

1. Applicant admits the allegations in paragraph 1 of the Opposition.
2. Applicant admits the allegations in paragraph 2 of the Opposition.
3. Applicant admits all of the allegations in paragraph 3 of the Opposition, except for the allegation that the Opposition was timely filed, which is a legal conclusion and does not require an Answer. To the extent that further answer is necessary, Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of this and therefore denies it.
4. Applicant admits that the United States Patent and Trademark Office records regarding U.S. Trademark Registration No. 1,369,682 reflects the current owner of record as Clariant, and Applicant admits that the goods listed in U.S. Trademark Registration No. 1,369,682 are “PREPACKAGED DESICCANTS FOR USE IN CLOSED PACKAGES FOR MACHINE PARTS, ELECTRONIC COMPONENTS, SURGICAL INSTRUMENTS AND

SUPPLIES, TOOLS, PHARMACEUTICALS, FOOD AND FILM.” Applicant admits that U.S. Trademark Registration No. 1369682 is registered on the Principle Register. Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the claim of ownership made in paragraph 4 of the Opposition and therefore denies such allegation.

5. Paragraph 5 of the Opposition states legal conclusions of the Opposer, to which no answer is required. To the extent that further answer is necessary, Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 5 and therefore denies such allegations.

6. Paragraph 6 of the Opposition states legal conclusions of the Opposer, to which no answer is required. To the extent that further answer is necessary, Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 6 and therefore denies such allegations.

7. Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations in paragraph 7 of the Opposition and therefore denies such allegations.

8. Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations in paragraph 8 of the Opposition and therefore denies such allegations.

9. Paragraph 9 of the Opposition states legal conclusions of the Opposer, to which no answer is required. To the extent that further answer is necessary, Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 9 and therefore denies such allegations.

10. Paragraph 10 of the Opposition states legal conclusions of the Opposer, to which no answer is required. To the extent that further answer is necessary, Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 10 and therefore denies such allegations.

11. Paragraph 11 of the Opposition states legal conclusions of the Opposer, to which no answer is required. To the extent that further response is necessary, Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 11 and therefore denies such allegations.

COUNT I
LIKILHOOD OF CONFUSION

12. Applicant repeats and realleges each and every answer stated in Paragraphs 1-11 above as if fully set forth herein.

13. Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 13 of the Opposition and therefore denies such allegations.

14. Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 14 of the Opposition and therefore denies such allegations.

15. Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 15 of the Opposition and therefore denies such allegations.

16. Applicant denies the allegations set forth in paragraph 16 of the Opposition.

17. Paragraph 17 of the Opposition states legal conclusions of the Opposer, to which no answer is required. To the extent that further answer is necessary, Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 17 and therefore denies such allegations.

COUNT II
LIKILHOOD OF DILUTION

18. Applicant repeats and realleges each and every answer stated in Paragraphs 1-17 above as if fully set forth herein.

19. Applicant denies the allegations set forth in paragraph 19 of the Opposition. Additionally, Paragraph 19 of the Opposition states legal conclusions of the Opposer, to which no answer is required.

20. Applicant denies the allegations set forth in paragraph 20 of the Opposition. Additionally, Paragraph 20 of the Opposition states legal conclusions of the Opposer, to which no answer is required.

21. Applicant denies the allegations set forth in paragraph 21 of the Opposition. Additionally, Paragraph 21 of the Opposition states legal conclusions of the Opposer, to which no answer is required.

22. Applicant denies the allegations set forth in paragraph 22 of the Opposition. Additionally, Paragraph 22 of the Opposition states legal conclusions of the Opposer, to which no answer is required.

COUNTERCLAIM TO CANCEL REGISTRATION

23. Applicant repeats and realleges each and every allegation set forth in the foregoing paragraphs as if fully set forth herein.

24. Applicant hereby seeks cancellation of U.S. Trademark Registration No. 1,369,682 (“DESI PAK”) for all the goods listed therein, as to which Opposer claims actual use, namely, “PREPACKAGED DESICCANTS FOR USE IN CLOSED PACKAGES FOR MACHINE PARTS, ELECTRONIC COMPONENTS, SURGICAL INSTRUMENTS AND SUPPLIES, TOOLS, PHARMACEUTICALS, FOOD AND FILM,” all in International Class 001.

First Ground—Abandonment

25. Upon information and belief, Opposer has abandoned the DESI PAK mark by discontinuing use of the mark for each of the goods listed therein, with an intention not to resume use, and accordingly, Registration No. 1,369,682 should be cancelled.

WHEREFORE, Applicant requests that Registration No. 1,369,682, be cancelled, the Opposition be dismissed and that Serial No. 86/569,259 be allowed to register.

Respectfully submitted this 5th day of November, 2015




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CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of November, 2015, the foregoing Applicant's Answer to Opposer's Notice of Opposition was served upon Opposer's attorney of record by sending via email, per the parties' agreement, as follows:

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